IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 16199 of 2001

DATED: 18-3-2006

Between:

G.Satish Kumar S/o. Raghupathi petitioner

Karimnagar.

And

1.. Andhra Bank,

rep by its General Manager,

5-9-4, Secretariat Road,

Saifabad, Hyderabad and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

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ORAL ORDER:

In the present writ petition, the petitioner is questioning the action of the first respondent in rejecting his application for compassionate appointment vide letter No. 666/3/R/68 dated 9.5.2001.

The case of the petitioner in brief is that his mother while working with the respondent bank as sub staff died on 24.3.1997. In terms of the scheme formulated by the respondent bank, the petitioner has made a representation seeking compassionate appointment. In turn, the Deputy Chief Officer of the respondent bank vide letter dated 22.5.1998 advised the petitioner to represent his case on attaining the age of majority for consideration of his candidature for appointment on compassionate grounds. The petitioner possess the qualification of Intermediate, Type Writing Higher- English and Telugu and Advanced Diploma in Information & Technology and claims that he is eligible for appointment to the clerical/sub-staff post. Accordingly, on attaining the majority, the petitioner made an application for appointment on compassionate grounds, which was rejected by the impugned letter No. 666/3/R/68 dated 9.5.2001. The petitioner alleges that his case was not considered in terms of the scheme framed by the respondent bank pursuant to the judgment of the Supreme Court in UMESH KUMAR NAGPAL Vs. STATE OF HARYANA and without assigning any reasons, his candidature for appointment under compassionate grounds was rejected by impugned letter dated 9.5.2001.

A counter affidavit was filed on behalf of the respondents contending that there is no violation of statutory rule/provision/regulation committed by the respondent bank and appointment on compassionate grounds cannot be claimed as a matter of right and the writ petition is not maintainable. It is further stated that mother of the petitioner has put in a service of about 6 ½ years only as sub-staff at Kodimyal branch and while working as such died on 24.3.1997 and her terminal benefits were also settled. The competent authority on consideration of the application dated 18.8.1999 observed that the petitioner is the only dependant of the deceased employee and a period of more than two years has lapsed and since a sum of Rs.1.05 lakhs were paid to the petitioner towards terminal benefits of his deceased mother, felt that the case of the petitioner does not merit favourable consideration for extension of the benefit of compassionate appointment. The appointments on compassionate grounds are made on need basis but not on sympathetic consideration. It is also stated that except the petitioner there is no other dependant of the deceased employee to be supported and the case of the petitioner does not fall for consideration under the judgement of the Apex Court (cited supra).

Learned counsel for petitioner contends that the case of the petitioner for appointment on compassionate grounds was not considered objectively by the authorities and the impugned letter dated 9.5.2001 was passed in a mechanical manner without assigning any reasons. It is further stated that the reasons assigned in the counter affidavit for

rejecting the claim of the petitioner are unjustified and sought for an interference of this Court in the matter.

Heard the learned counsel for petitioner and learned Standing Council for respondent bank.

Admittedly, the impugned letter rejecting the claim of the petitioner does not indicate any reasons, it merely states that "*the bank has examined your request but the same could not be considered favourably"*. The reasons stated in the counter affidavit for rejection of the claim of the petitioner are unjustified. The respondent bank cannot reject the claim of the petitioner, on the ground that terminal benefits of the deceased employee are paid to the petitioner, that the mother of the petitioner has put in only 6 ½ years of service and the petitioner is under-aged as on the date of making application.

Normally, this Court does not interfere in the matter of appointment on compassionate grounds, however, taking into consideration the material placed before the Court and in view of the fact that there are no reasons assigned in the impugned letter dated 9.5.2001 and the reasons stated in the counter affidavit does not indicate that the case of the petitioner was considered objectively, this Court is of the considered view that the case of the petitioner requires reconsideration. Accordingly, the writ petition is disposed of directing the first respondent to reconsider the case of the petitioner and pass appropriate speaking orders in accordance with law, expeditiously, preferably within a period of three months from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE:18.03.2006

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